

Court of Appeals, State of Michigan

ORDER

People of MI v Michael Emmett Wolfe

Docket No. 288527

LC No. 08-000188-FC

Stephen L. Borrello
Presiding Judge

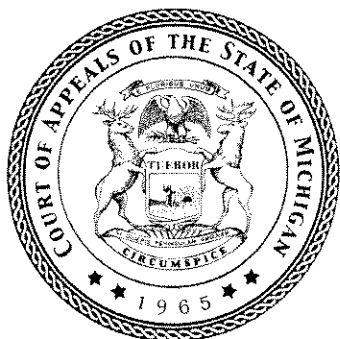
Peter D. O'Connell

Alton T. Davis
Judges

The Court orders that the motion for reconsideration is GRANTED IN PART and DENIED IN PART.

The motion is GRANTED IN PART as to the provision of this Court's March 27, 2009 order remanding this case with regard to defendant's claim of error in the scoring of three offense variables of the sentencing guidelines. The March 27, 2009 order is VACATED as to the remand regarding those claims because they are moot in light of the sentencing agreement underlying defendant's sentencing. See *People v Wiley*, 472 Mich 153, 154; 693 NW2d 800 (2005).

The motion is DENIED IN PART as to the remand to allow defendant to bring a renewed motion for a new trial based on his claim of newly discovered evidence. The March 27, 2009 order remains in force as to the remand to allow defendant to present this claim of newly discovered evidence to the trial court.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 28 2009

Date

Sandra Schultz Mengel
Chief Clerk